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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/595,850

05/16/2006

Shayne Gerard Turner

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EXAMINER

GITLIN, MATTHEW J

ART UNIT

PAPER NUMBER

3635

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/595,850	Applicant(s) TURNER ET AL.	
	Examiner Matthew J. Gitlin	Art Unit 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 7-15 and 24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 16-23 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>08/07/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. **Claims 7-15 and 24** are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected **Species**, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 12/21/2009.

Claim Objections

2. **Claim 4** is objected to because of the following informalities: the limitation "arranged in the same plane." should be written "arranged in a same plane" since the arms intersect several planes and they are not arranged into all of the same planes. . Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. **Claims 5-6** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. **Claim 5**; The phrases "the surfaces of the first arm" and "the surfaces of the second arm" lack antecedent basis in the Claim and Claim 3 from which it depends. Also, it is recognized that side surfaces of the arms could be in common planes, but since the arms are inclined with respect to one another, the upper and lower surfaces, as defined in Claim 3, cannot be in a common plane. This Claim should specify which surfaces it is referring to in order to be definite.

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6. **Claim 6;** The phrase "for connecting the ribs" lacks antecedent basis in the Claim or Claim 1 from which it depends.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. **Claims 1-2, 6, and 16-23** are rejected under 35 U.S.C. 102(b) as being anticipated by Trout et al. (US 5,832,684).

9. **Claim 1;** Trout discloses a butt joint connector (**30, Fig. 10**) for forming a butt joint between two building sheets (**104, 112**), each respectively having a butt joint edge (**108, 114**), comprising: a first plurality of attachment members (**Left members of 38 in Fig. 4**); a second plurality of attachment members (**Right Left 38s in Fig. 4**); connecting elements (**34, 36**) for connecting the first and second plurality of attachment members together in spaced apart relationship; and wherein the first and second plurality of attachment members define a concavity (**In connection with 38 and 32, Figs. 16-17**) so that when the first and second sheets are connected to the attachment members, the sheets adjacent the edges are pulled towards the attachment members (**Figs. 16-17**) so as to define a recess adjacent the edges so that the recess can be finished with a filler (**122**) to fill the recess and form the butt joint.

10. **Claim 2;** Trout discloses wherein the concavity is an inverted V-shape (**Figs. 16-17**).

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11. **Claim 6;** Trout discloses wherein the connecting elements comprise a plurality of longitudinal frame members (**34, 36**).

12. **Claim 16;** Trout discloses securing the connector of Claim 1 (**Via fasteners 110**) to one of the sheets (**104**) so the connector extends beyond the edge of that sheet (**Fig. 16**) and so the region of the sheet adjacent the edge is pulled towards the first attachment members of the connector (**Fig. 16**); connecting the sheet to a first framework member (**96 via 106**); attaching the other sheet (**112**) to the second attachment members (**Via fasteners 110**) of the connector so that the edges of the first and second sheet are adjacent one another (**Fig. 16**) and the second sheet is also pulled towards the second attachment member so that the sheets adjacent the edges form a recess (**Fig. 16, recess 116**); and connecting the second sheet to a second building framework (**94 via 106**).

13. **Claim 17;** Trout discloses finishing the joint by applying a filler (**122**) to fill the recess.

14. **Claim 18;** Trout discloses wherein the first sheet (**112**) is connected to the connector prior to connecting the first sheet to the first frame member (**Fig. 15**).

15. **Claim 19;** Trout discloses wherein the second sheet (**104**) is connected to the second frame member before the second sheet is attached to the connector (**Fig. 14**).

16. **Claim 20;** Trout discloses comprises screwing the sheets to the connector member (**Via screws 110**).

17. **Claim 21;** Trout discloses a building structure (**Fig. 17**) comprising: a first sheet (**112**) connected to a first frame member (**96**); a second sheet (**104**) connected to a second frame member (**94**), the first and second sheets having edges (**Fig. 16**) which are arranged adjacent one another; a butt joint connector (**30, Fig. 10**) for forming a butt joint between two building sheets

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(**104, 112**), each respectively having a butt joint edge (**108, 114**), comprising: a first plurality of attachment members (**Left members of 38 in Fig. 4**); a second plurality of attachment members (**Right Left 38s in Fig. 4**); connecting elements (**34, 36**) for connecting the first and second plurality of attachment members together in spaced apart relationship; and wherein the first and second plurality of attachment members define a concavity (**In connection with 38 and 32, Figs. 16-17**) so that when the first and second sheets are connected to the attachment members, the sheets adjacent the edges are pulled towards the attachment members (**Figs. 16-17**) so as to define a recess adjacent the edges so that the recess can be finished with a filler (**122**) to fill the recess and form the butt joint, the butt joint connected to the first and second sheets between the first and second frame members (**Fig. 16**) and spanning the edges of the sheets (**Fig. 16**), the first and second sheets being connected to the connector so that the first and second sheets adjacent the edges are pulled towards the connector to form a recess (**116**); and a filler material (**122**) applied to the recess to finish the butt joint between the first and second sheets (**Fig. 17**).

18. **Claim 22**; Trout discloses wherein the sheets are connected to the connector by screws (**110**).

19. **Claim 23**; Trout discloses wherein the structure is part of a wall (**Fig. 17**).

20. **Claims 1 and 3-5** are rejected under 35 U.S.C. 102(b) as being anticipated by Long et al. (US 4,420,913).

21. **Claim 1**; Long discloses a roof ridge structure (**Fig. 12**) which is capable of being used as a butt joint connector (**Due to its structure**) between two building sheets, comprising: a first plurality of attachment members (**Left members 130, Fig. 12**); a second plurality of attachment

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members (**Right members 130, Fig. 12**); connecting elements (**134/136**) for connecting the first and second plurality of attachment members together in spaced apart relationship (**Fig. 12**); and wherein the first and second plurality of attachment members define a concavity (**As defined in the concave profile of left and right attachment member in Fig. 12**) so as to define a recess (**Recess defined by concave profile of attachment member**).

22. **Claim 3**; Long discloses a plurality of end rakes (**124**) formed pieces of metal (**126 and 128**) which are fixed along the sloping edges of each side of the roof structure (**42**) and finish it both structurally and aesthetically (**Column 7, Lines 1-10**) and which are inclined with respect to each other (**Fig. 12**).

23. **Claim 4**; Long discloses wherein the first and second pieces are arranged in a same plane (**As seen in Fig, 12**).

24. **Claim 5**; Long discloses wherein surfaces of the first arm are in a common first plane and surfaces of the second arm are in a second common place inclined with respect to the first plane (**As displayed in Fig. 12**).

Conclusion

25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Gitlin whose telephone number is (571)270-5525. The examiner can normally be reached on Monday - Friday (7:30am-5:00pm EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571)272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. J. G./
Examiner, Art Unit 3635

/Robert J Canfield/
for R. Chilcot, SPE of Art Unit 3635